



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Center for Tobacco Products
9200 Corporate Boulevard
Rockville, MD 20850-3229

MEMORANDUM

DATE: December 19, 2011

FROM: Sarah Evans, PhD, Social Scientist, Office of Science, Center for Tobacco Products, FDA

Kristin Davis, JD, Regulatory Counsel, Office of Policy, Center for Tobacco Products, FDA

THROUGH: Director, Office of Science, Center for Tobacco Products, FDA

TO: Tobacco Products Scientific Advisory Committee (TPSAC)

SUBJECT: Brief Summary of Relevant Smoke-Free Laws in Test Market Cities

During the July 21-22, 2011 TPSAC meeting, committee members asked for information regarding smoke-free laws in the cities where dissolvable tobacco products are thought to be test marketed (see pp. 141-142; <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM270283.pdf>.) Below please find smoke-free law information for Portland, OR; Columbus, OH; Charlotte, NC; Indianapolis, IN; and Denver, CO.

Portland, OR

- The Oregon Indoor Clean Air Act (ORS 433.835 to 433.875; available at <http://www.leg.state.or.us/ors/433.html>), effective January 1, 2009, prohibits smoking in all public places (any enclosed area open to the public) and places of employment (enclosed area under the control of a public or private employer that employees frequent during the course of employment).
- It also requires a 10 foot outdoor smoke-free zone by entrances, exits, windows that open, and vents of public places or places of employment.

Columbus, OH

- The Ohio Revised Code (ORC Chapter 3794, available at <http://codes.ohio.gov/orc/3794>), effective December 7, 2006, prohibits smoking in public places (an enclosed area to which the public is invited or in which the public is permitted that is not a private residence) and places of employment (an enclosed area under the direct or indirect control of an employer that employees use for work or any other purpose).
- It also prohibits smoking in areas directly or indirectly under the control of a proprietor that are immediately adjacent to entrances and exits to public places and places of employment.
- It also requires that proprietors of public places/places of employment ensure that tobacco smoke does not enter any area in which smoking is prohibited through entrances, windows, ventilation system, or other means.

Charlotte, NC

- North Carolina's Smoke-Free Restaurants and Bars Law (Session Law 2009-27, available at <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H2v10.pdf>), effective January 2, 2010, prohibits smoking in certain public places and certain places of employment, including:
 - In state government buildings and state vehicles; and
 - In all enclosed areas of restaurants and bars.

Indianapolis, IN

- Indiana does not currently have a state-wide smoking ban, but the City-County Council of Indianapolis and Marion County enacted General Ordinance No. 44 (which added Chapter 616 to the Revised Code, available at http://library.municode.com/HTML/12016/level2/TITIIIPUHEWE_CH616NOAR.html#TOPTITLE) in 2005 (effective as of March 1, 2006). This ordinance prohibits smoking in:
 - All enclosed areas within places of employment.
 - Elevators, health care facilities, laundromats and licensed child care and adult day care facilities.
 - Restrooms, lobbies, reception areas, hallways and other common-use areas.
 - Polling places, shopping malls and sports arenas.
 - Lobbies, hallways and enclosed areas in common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes and other multiple-unit residential facilities.
 - Public transportation facilities, including, but not limited to, buses and taxicabs and ticket, boarding and waiting areas of public transit depots.
 - All vehicles and enclosed areas of buildings owned, leased or operated by the city or county.
 - The law **exempted** a number of places from the smoking ban, including bars or taverns where employees and customers were 18 years of age and older and bowling alleys.

Denver, CO

- The Colorado Clean Indoor Air Act (available at http://www.state.co.us/gov_dir/leg_dir/olls/sl2006a/sl_22.htm), effective July 1, 2006, prohibits smoking (with some exceptions) in:
 - Public meeting places, elevators, grocery stores, gymnasiums, jury waiting or deliberation rooms, courtrooms, child day care facilities, health care facilities, common areas of retirement facilities and nursing homes;
 - Government-owned or –operated means of mass transportation (including buses vans, and trains);
 - Taxicabs and limousines;
 - Food service establishments, bars;
 - Limited gaming facilities, indoor sports arenas, bowling alleys, pool halls, gambling halls;
 - Restrooms, lobbies, hallways and other common areas in public and private buildings, condos, and other multiple-resident facilities and in hotels and motels;
 - Public buildings, auditoria, theaters, museums, libraries;
 - Public and nonpublic schools and other educational and vocational institutes; and
 - Non-exempted places of employment.

It also prohibits smoking in the entryways of all building and facilities subject to the smoking ban.